

# Digital Anarchy and Oligarchy:

*a summary and critical analysis of  
Siva Vaidhyanathan's The Anarchist In The Library*

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## **Conflict Between Anarchy and Oligarchy**

In a book, *The Anarchist In The Library*, Siva Vaidhyanathan claims that there is a conflict between “oligarchy” and “anarchy” within the digital environment. Oligarchy represents “property values” which attempt to restrict access to information and thereby “create and enforce” a commodifiable scarcity of information. On the other hand, anarchy or anarchism represents “access values,” attempting to create and distribute a plethora of information through non-hierarchical distributed systems and networks known as “peer-to-peer systems.”<sup>1</sup> Anarchists want culture to “flow with minimal impediments” whereas oligarchs want hierarchical management of culture mediated through powerful institutions.<sup>2</sup> These widely different approaches to culture constitute a major point of conflict in the digital environment.

The “anarchists” of the digital environment include P2P users, amateur artists and musicians, hackers, etc. The oligarchs include the record industry, hollywood, major corporations and nation-states that enact laws restricting access to information and sharing capabilities in the digital environment. The rise of peer-to-peer sharing and communication within cyberspace has intensified the old conflict between anarchists and oligarchs.

## **P2P Culture**

According to Vaidhyanathan, distributed peer-to-peer systems of communication are not limited to the internet, but may exist outside of the virtual world. Regardless of whether peer-to-peer systems function inside or outside of the digital environment, they can be generally share the following five characteristics: 1) an “end-to-end” design through which “thinking” and “memory” of the system occurs at end points; 2) decentralization and wide distribution which allows content to travel smoothly; 3) anti-authoritarian organization with no person or group that can control the system arbitrarily; 4) difficult to manage or regulate; 5) “open access” and inclusivity which make participation easy and convenient.<sup>3</sup>

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1 Vaidhyanathan, S., *The Anarchist In The Library*, Basic Books: New York (2004), p. 23, 28.

2 Ibid. p. 83.

3 Ibid. p. 17.

Peer-to-peer communication networks allow people to share information easily, create new communities, breakdown the specialized roles of “consumer” and “producer,” make information abundant through anarchist and non-hierarchical forms of organization (or disorganization).<sup>4</sup>

Vaidhyathan presented one example of a peer-to-peer medium outside of the postmodern digital environment: gossip. Before the French Revolution, all printed content was supposed to be edited and approved by the king’s offices. Gossip, as uncensored and unmediated communication, played a major role in the Enlightenment and eventually led to the French Revolution. Because gossip is unmediated and decentralized communication that “grows and thrives outside of hierarchies,” gossip is “anarchistic in structure if not content.”<sup>5</sup>

Vaidhyathan claims that culture is an anarchistic process that “grows up from common, everyday interactions among humans who share a condition or a set of common symbols and experiences.”<sup>6</sup> At the same time, technologies condition our environments, create new cultural values, alter our perspectives and worldviews, and generate new “ideological systems.”<sup>7</sup> A synthesis of these two claims of Vaidhyathan would leave us with a conclusion that culture is an anarchistic and spontaneous process of behavior, communication and interaction that occurs within an ever-changing, expanding and collapsing framework of environment, time, space, cultural assumptions and ideological systems that technologies contribute to the modification thereof.

Viewed from this perspective, global, decentralized and widely distributed peer-to-peer communication networks have significant influence in shaping our perspectives, “habits of thought” and behavior. Peer-to-peer systems encourage adopting cultural values of sharing, common ownership, networking and collaborating with others in a non-hierarchical mode of behavior. In this way, peer-to-peer systems may be creating and shaping a “peer-to-peer culture” that is remarkably similar to that of anarchism.

Although peer-to-peer sharing systems in cyberspace don’t represent a tangible threat to the

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4 Ibid. p. xvi.

5 Ibid. p. 1.

6 Ibid. p. 83.

7 Ibid. p. 19-20.

revenues of record companies, the film industry or publishing companies, peer-to-peer systems are deconstructing the concept of “specialized” and “expert” creation of cultural content which is marketed to passive and uncreative consumers through publishing companies, record companies or the film industry. The P2P phenomena of former consumers becoming active creators is undermining corporate efforts to “create and enforce artificial scarcity” of information (commodification of information), threatening the corporate monopoly on marketing and distribution, and destroying the commercial monopoly on creativity.<sup>8</sup>

The oligarchy of corporations and nation-states are currently using coercive measures in trying to restrict and control development of cultural assumptions, habits of thought and modes of behavior related to distributed peer-to-peer systems.

### **Measures of the Oligarchs**

Throughout *The Anarchist In The Library*, Vaidhyathan gave us many different (but similar) examples of multinational corporations involved in cultural commerce, the U.S. Government and international organizations instituting measures intended to prohibit and/or undermine peer-to-peer sharing and communication.

Napster was a decentralized peer-to-peer file sharing network in which 77 million users were involved in open file sharing during year 2001, when a US federal district court banned it. The court didn't rule that Napster was harmful to the record industry, which played a major role in lobbying prohibition, but that the record industry proposed a superior alternative: a “pay-per-view” commercial digital downloading system. The court favored the commercial system and decided to legally prohibit the existence of Napster.<sup>9</sup>

The “pay-per-view” is a system of selling information, music and “cultural commodities” through the internet, using internet banking and a system of user-names and passwords for downloading content from corporate websites. Commercial content would be protected by

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<sup>8</sup> Ibid. p. 28, 44-45, 48.

<sup>9</sup> Ibid. p. 34-35.

copyright and “digital rights management” technologies that prevent content from being copied or opened with unauthorized software programs.<sup>10</sup> The “culture industry” is trying to commodify creativity by restricting creativity to be exercised only through commercial mediums.

Another method of restricting creativity to commercial mediums is prevention of free and open use, copying and modification of digital content. Digital “rights” management technology is one example of such a coercive prevention method. These technologies restrict use of content only through authorized mediums. MP3 files can only be played in authorized software that restrict copying and modification, CDs can only be played in authorized stereo systems, software requiring registration in order to be activated, accessing content requiring membership with approved password and commercial consumption, etc. are examples of digital “rights” management technology. By adopting the term “digital rights,” commercial enterprises are attempting to restrict the concept of “digital rights” to the notion of private property and such “rights” exclusively provided within a capitalist market economy.<sup>11</sup> Rights to exploit and monopolize.

The Digital Millenium Copyright Act (DCMA) was enacted in 1998 by the US government and allows copyright holders to force internet service providers to eliminate content posted on websites that violate copyright restrictions.<sup>12</sup> The DCMA also legally prohibits the circumvention of “digital rights” management technologies as well as distribution of information about circumvention of such restrictive technologies.<sup>13</sup>

The US government’s No Electronic Theft Act of 1997 legally prohibited violating copyrights by providing legal means for violators to be sentenced to a maximum of 5 years in prison or a \$250,000 fine. Under this law, “violation” of copyright includes sharing and distributing copyrighted information for both commercial or recreational purposes. In other words, a P2P user can be sentenced to 5 years in prison for illegally downloading copyrighted music under the No Electronic Theft Act.<sup>14</sup>

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10 Ibid. p. 52-53.

11 Siva Vaidhyanathan may or may not agree, but these are my ideas based on interpretation of his book.

12 Ibid. p. 58.

13 기린, 최석현, 양석, “집단지성: copyleft, GNU 운동, wikipedia,” p. 5. Retrieved from [www.archive.org/download/collectiveintelligence/L.pdf](http://www.archive.org/download/collectiveintelligence/L.pdf) on June 2, 2009.

14 Ibid.

Copyright law is an essential ingredient in restricting access to information, arts and cultural goods. Copyright is confined to a limited term by the US constitution. Producers or companies can restrict access to cultural commodities only for a limited time. However, the US government has historically continued to extend copyright terms<sup>15</sup> and in 1998, the Copyright Term Extension Act added another 20 years to most copyrights at the time.<sup>16</sup>

Access to copyrighted materials is only legitimized by what the US government calls “fair use,” a concept which is difficult for many to understand and clearly define. What constitutes fair use? Is it fair to quote passages or appropriate ideas that have been copyrighted? Can I share copyrighted materials with my friends and family? Using copyrighted materials in order to directly criticize the original work is supposed to be included in the legal definition of “fair use,” but using copyrighted materials for general social criticisms or satire is not legally recognized as “fair use.” Sharing, copying and appropriating cultural goods, expressions and ideas is such common and widespread behavior that restricting such behavior to a legal definition with an exclusive set of norms recognized as “fair use” can be a difficult and complicated task that arguably threatens natural cultural processes.<sup>17</sup>

Vaidhyathan considers these oligarchic means of cultural restriction to coincide with a contemporary ideology expressed through a “rhetorical system” that he calls “property talk.” The ideology values “efficiency” which is narrowed down to low costs of production, distribution and large profits. Efficiency is valued as the driving force of cultural production and development. Richard Parsons of Time Warner corporation said that if professional artists have no profit-based reason to produce, society can fall into a “cultural Dark Ages.”<sup>18</sup> This ideology seems to rest on fear-based assumptions about culture: if culture is not commodified and rendered into private property, culture will disintegrate. Culture is assumed to be private property that can function commercially. This assumption widely differs from the “anarchist” assumption that culture is

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<sup>15</sup> Ibid. p. 4.

<sup>16</sup> Vaidhyathan, S., *The Anarchist In The Library*, Basic Books: New York (2004), p. 81.

<sup>17</sup> Ibid. p. 82-83.

<sup>18</sup> Ibid. p. 22.

collective and radically democratic. But what is anarchism?

### **Anarchism and P2P**

According to Vaidhyathan, anarchism proposes a new system of “governance” based on consensus decision-making, mutual aid, collaboration and tolerance. Anarchists reject the nation-state and private property because coercion and violence is required to support these systems of centralized authority, inequality and exclusion.<sup>19</sup>

Most anarchists don’t spend much time engaging with “high theory” that tries to provide academic explanations for socio-historical phenomena. Marxists are concerned with the contradictions, theoretical and economic underpinnings of capitalism, but anarchists are concerned with direct action and developing action in resistance to capital and the state, creative action that practices non-hierarchy, autonomy and manifests a new society or community in our immediate life conditions.<sup>20</sup> Anarchists not only reject capitalism, but all forms of authority and inequality that’s not based on consensus.

Anarchism is more or less an ideology. However, more than anything, anarchism is a multiplicity of habits and practices. Anarchism as an ideology puts major emphasis on praxis, collaboration, autonomy and direct action. Non-hierarchy is manifested as both a goal and practice of anarchism. Some anarchists such as Hakim Bey argue that freedom is not a state of being that can be “reached” or “attained,” but a “psycho-kinetic skill,” a process that should be immediately practiced through action.<sup>21</sup> Vaidhyathan argues that many revolutions and social movements (American civil rights movement is one example) have been carried out by adopting the habits of anarchism such as unmediated communication.<sup>22</sup>

Throughout *The Anarchist In The Library*, Vaidhyathan insists that anarchist practices play a major role in shaping youth subcultures, namely, punk rock and hip-hop cultures. The

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<sup>19</sup> Ibid. p. 4.

<sup>20</sup> Graeber, D., *Fragments Of An Anarchist Anthropology*, Prickly Paradigm Press (2004). p. 3-4, 6-9.

<sup>21</sup> Bey, H., “Ontological Anarchy in a Nutshell,” *Radio Sermonettes*, The Moorish Orthodox Radio Crusade Collective (1992). Retrieved on June 2, 2009, from <http://deoxy.org/hakim/ontologicalanarchy.htm>

<sup>22</sup> Vaidhyathan, S., *The Anarchist In The Library*, Basic Books: New York (2004), p. 11, 13.

cultural influence of “spontaneity, theoretical flexibility, simplicity, local autonomy and hedonism” which Vaidhyathan calls the “soul of anarchism” is consistently growing and spreading. Both hip-hop and punk rock began without central leaders or authorities and grew out of sharing, direct action and rejected mainstream culture.<sup>23</sup>

Vaidhyathan insists that because non-hierarchical networks of communication are becoming used widely on a global scale through the internet, the habits and practices of anarchism as a culture are also becoming common, widespread and difficult to ignore. As a consequence, anarchism, through proliferating habits of thought and widespread practices, has extended its socio-political and cultural significance.<sup>24</sup> Apolitical internet users who have never heard of a social movement called “anarchism” are adopting non-hierarchical and collaborative anarchist practices of thought, communication and behavior. Such phenomena comes close to an exemplary reiteration of the “dinner party” analogy used by many 19<sup>th</sup> century anarchists: anarchism is usually practiced by ordinary non-anarchist people having a dinner party, collaborating with friends, mutual contribution, consensus and voluntary association working towards a common goal.<sup>25</sup>

Vaidhyathan attributes the internet to anarchism, that “anarchism built the internet.”<sup>26</sup> If I’m allowed (or not allowed, regardless) to appropriate and modify Vaidhyathan’s copyrighted statement, I will insist that the internet is one manifestation of anarchy. The internet is a network with no center, no hierarchy or authority: it’s what some anarchists refer to as a non-hierarchical “community of communities” that integrates collective participation with individual autonomy and self-determination. There is no way to control the internet without changing its fundamental nature.

By deterritorializing anarchism from its ideological roots and reterritorializing anarchy in the behavioral habits, habits of thought and practices of numerous people who use “distributed information networks” via the internet, anarchism is becoming more tangible as both a concept and praxis. Such phenomena gives anarchism new importance as a socio-political movement that

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23 Ibid. p. 10-11, 46.

24 Ibid. p. xiii, 3.

25 See works by Petr Kropotkin, Emma Goldman and Mikhail Bakunin for examples.

26 Vaidhyathan, S., *The Anarchist In The Library*, Basic Books: New York (2004), p. 39.



challenges traditional politics within the liberal Enlightenment project as well as the socialist visions.<sup>27</sup>

### **The Digital Conflict: Compromise and Negotiation?**

Until now, this report has been a disorderly summary and extension of the ideas presented within Siva Vaidhyanathan's book, *The Anarchist In The Library*. The time has come for a critical analysis of his conclusion regarding the conflict between the anarchists and oligarchs in the digital environment.

First of all, Vaidhyanathan claims that “anarchistic technologies of digitalization, networking, and encryption” have created a situation in which the “role of the nation-state is in flux, and its future is up for grabs.”<sup>28</sup> This statement borders on paranoia, considering Vaidhyanathan's self-professed stand of neutrality between the conflict of oligarchy and anarchism (in other words, implicit support for the nation-state). Vaidhyanathan ignores what anarchists consider to be the very basis of state authority: institutions of coercion and violence, including police, prisons, militaries and massive stockpiles of arsenal. How can the “role of the nation-state be in flux” when governments use all means necessary, such as sentencing copyright violators to 5 years in prison, to protect hierarchical power relations including that fostered by private property? I can guarantee to Vaidhyanathan one hypothetical condition: if the nation-state was “in flux” and it's “future up for grabs,” then plenty of anarchists would be taking advantage if that situation and making the changes right now. Anarchists, in general, wouldn't be trying to taking “the role” of the nation-state that's “up for grabs.” We would wipe state authority off the face of the earth (until nobody could possibly “grab” it) and create networks of communities based on consensus, autonomy and voluntary association. Unfortunately, the internet and “distributed information networks” that it fosters are virtual and can't pose a threat to dominant institutions that depend on bloodshed for sustenance. Although Vaidhyanathan makes an attempt to criticize “techno-fundamentalism,”<sup>29</sup> he ridiculously

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<sup>27</sup> Ibid. p. 2-3.

<sup>28</sup> Ibid. p. 186.

<sup>29</sup> Ibid. p. xiii.

overestimates the power of cyberspace, which exemplifies both “techno-fundamentalism” and hypocrisy.

As noted above, Vaidhyathan supports the nation-state, as long as state regulation and controls are facilitated through “rich cultural democracy and healthy civic republicanism.”<sup>30</sup> But what are these things? He makes references to such concepts without explaining *what constitutes* cultural democracy or civic republicanism and how these two things can become “rich” and “healthy.” Vaidhyathan explicitly rejects anarchism as an unviable “political state” and criticizes anarchism as “a reaction, not a vision or solution that can produce the best society and the best human future.”<sup>31</sup> But what is “the best” future for human society? These statements rely on normalized notions conforming to “political common sense” dominated by hegemonic ideologies, professions and nation-state discourse. Of course anarchism isn’t legitimate: “common sense” of legitimized-through-hegemony political science. Relying on the social privileges that these concepts carry (privilege to stand *a priori* and evade challenge), Vaidhyathan makes swift references without explaining or describing his ideas – moving his text away from dialogue and closer to monologic discourse.

Although Vaidhyathan exemplifies a relatively clear understanding of anarchism as a socio-political movement(s) throughout the book, his claim that anarchism is reactionary and doesn’t provide a vision or solution displays serious ignorance of anarchist history. Anarchism and anarchy consist of diverse and variable social phenomena that should be approached with caution in order to avoid generalization. However, a large amount (perhaps numerical majority) of anarchists consistently focus on creating new social conditions through direct action based on consensus, immediately manifesting anarchy through action: here and now. Anarchism is an strategy and an objective, full of debate and dialogue regarding practice. Anarchists (I apologize for generalization) are not sitting and waiting for an apocalyptic revolution that overthrows hegemony to create a new social “state of being.” If such an apocalypse were to occur, anarchists would not cease

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30 Ibid. p. 188.

31 Ibid. p. 187, 190.

revolutionary activity, dialogue and practices that directly address community issues. Anarchism, revolution and change are non-stopping processes that don't arrive at a "state of being" and exist in an unchanging, universal harmony. Struggle exists then, here, now, there and later. As Vaidhyathan stated and then apparently forgot, anarchism is a process.

Vaidhyathan advocates avoidance of "nasty battles" between anarchists and oligarchs. He insists the best way to avoid these "nasty battles" would be to "have an open, balanced, and reasonable conversation about openness and enclosure, protocols and controls, distribution and centralization" of information systems.<sup>32</sup> How would these conversations be possible? First of all, peer-to-peer "distributed information systems" involve millions of users. How can all of these users participate in the discussion? Although Vaidhyathan idealizes the conversation as "open," it seems that the discussion would need to be exclusive in order to occur, and that would more than likely restrict the conversation to academics such as himself, corporate and government representatives: a conversation between elites. Another point of the proposed "conversation" about which I'm skeptical is the possibility for agreement, compromise or negotiation. Peer-to-peer users are countless and they all violate copyrights as a norm when sharing and distributing copyrighted information and cultural goods. Oligarchs define these norms as criminal. Peer-to-peer users are countless, networking on a global scale. Under these conditions, oligarchs are in a desperate situation when hoping to protect intellectual property "rights." In consideration of such conditions, compromises or negotiations could only involve restriction and control of peer-to-peer networking systems. Many would not be willing to make these compromises, including myself.

### **My Conclusion, Not Vaidhyathan's**

Unlike Vaidhyathan's self-professed position of neutrality, I advocate solidarity with the peer-to-peer users as well as the anarchists. Rather than negotiating with elites and oligarchs, I advocate creating new communities, networks, norms, meanings, responsibilities and societies. Within the digital environment, there are plenty of possibilities to move in this direction.

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<sup>32</sup> Ibid. p. 34.

1) Share, distribute, appropriate and modify copyrighted materials regardless of the legal circumstances. Copyright and intellectual property are oppressive institutions that are enforced through coercion in order to restrict access to materials that should be common property. Copyright violation is an affirmative action – affirming our rights to culture and rejecting culture as a marketable commodity that can be monopolized by industry. Copyright violators are so numerous that nation-states lack the capacity to stop our activities of sharing and collaboration.

2) Create and share materials using copyleft. By marking materials with copyleft, a new space can be created based on common ownership, sharing, mutual aid and collaboration. Copyleft is a licensing method that reassures continuous sharing of copylefted materials as well as materials derived from copylefted materials. Libre Commons licenses, the GNU license and one of the Creative Commons licenses are a few examples of copyleft.

3) Create and/or collaborate with peer-to-peer networks offline. The digital environment is not capable of creating a social revolution where police, militaries, laws, prisons, etc. are established in order to suppress movements that manifest freedom, creativity, collaboration, autonomy, self-determination and communal ownership of resources. Be creative and work with others to live in free, egalitarian, radically democratic communities of continually multiplying diverse varieties.

4) Appropriate, reinterpret and redefine my vague statements and the vague statements of others. Self-determination is something to be practiced here and now.